

CHAPTER 12

ADVERSARY CASE OPENING

Opening a New Adversary Proceeding
Automatic Summons

Adversary Proceeding Case Opening

Opening an adversary proceeding involves entering the necessary information regarding the plaintiff and defendant, along with basic statistical data. The lead event (usually the complaint) is incorporated into this process and will not need to be docketed separately. This module demonstrates the steps to take to open an adversary proceeding in CM/ECF.

STEP 1 Click the Adversary hypertext link on the CM/ECF Main Menu Bar.

STEP 2 The **Adversary Events** screen displays.

— Click the Open an Adversary Proceeding hypertext link.

STEP 3 The **Case Information** screen displays. (See Figure 1)



Figure 1

- Click the down arrow — to reveal the list of **Office** (division) options. **Select the same division to which the related general case is assigned.**
- The **Case Type** defaults to **ap** (adversary proceeding). This is the only option. No action is necessary.

- The current date is displayed in the **Date Filed** field. This date cannot be changed.
- Click the down arrow — to reveal the list of **Complaint** options: either **y** for yes or **n** for no. This field signifies the lead event for this proceeding. If filing something other than a complaint, such as a Notice of Removal, change the **y** to **n**.
- Click **[Next]** to continue or **[Clear]** to re-enter the information.

STEP 4 The **Associated Cases** screen displays. (See Figure 2)

ECF Bankruptcy • Adversary • Query •

Open Adversary Case

CAUTION: BE SURE YOU ENTER THE CORRECT RELATED CASE NUMBER, INCLUDING OFFICE AND CASE TYPE.

Add Associated Cases

Member case number

Lead case number 6-05-bk-112

Association type Adversary

Next Clear

Figure 2

- Enter the **Lead Bankruptcy Case Number** (office code-yy-bk-nnnnn format).
- The **Association Type** field defaults to adversary. No action is necessary.
- Click **[Next]** to continue.

Note: If the system prompts that the base case number entered is not a valid case, click the **[Back]** button and re-enter the case number.

STEP 5 The **Search Party** screen displays. (See Figure 3)

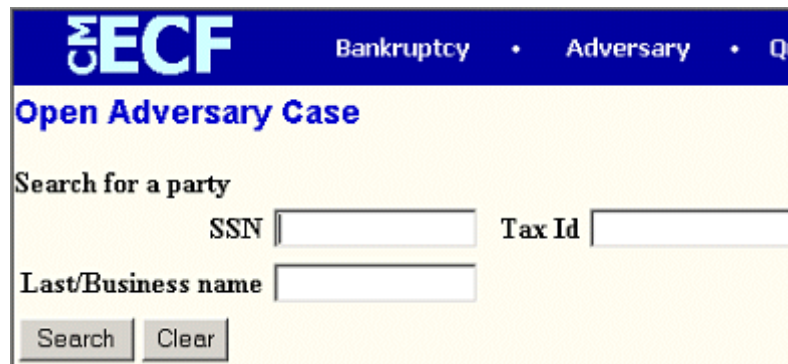


Figure 3

- Enter a social security number, tax identification number, or last/business name to search for the party to be added to the case. *It is recommended that you add parties to the case in the following order: Plaintiffs, Defendants, then interested parties/other as applicable.*
- Click **[Search]** to continue.

STEP 6 The **Party Search Results** screen displays. (See Figure 4)

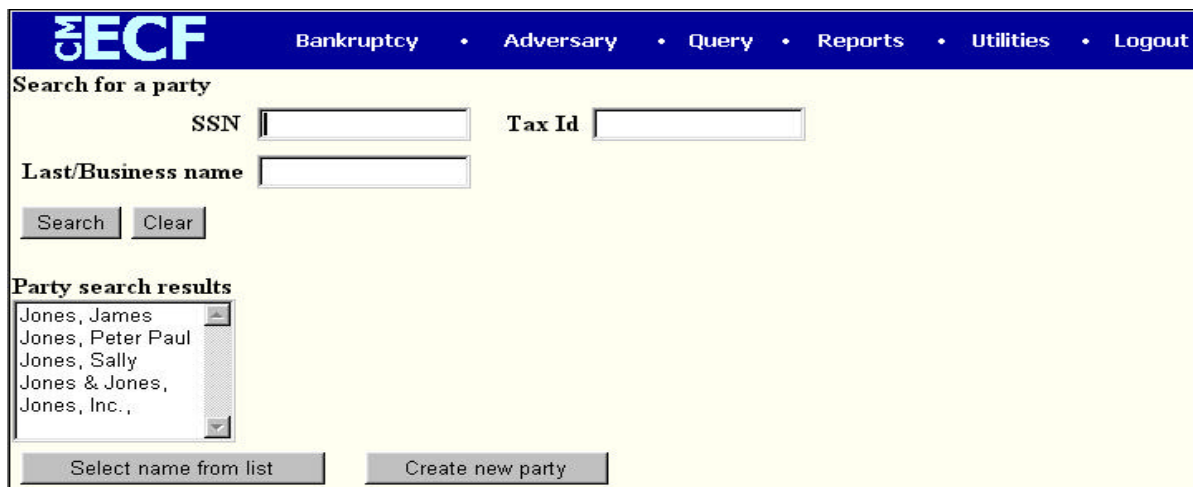
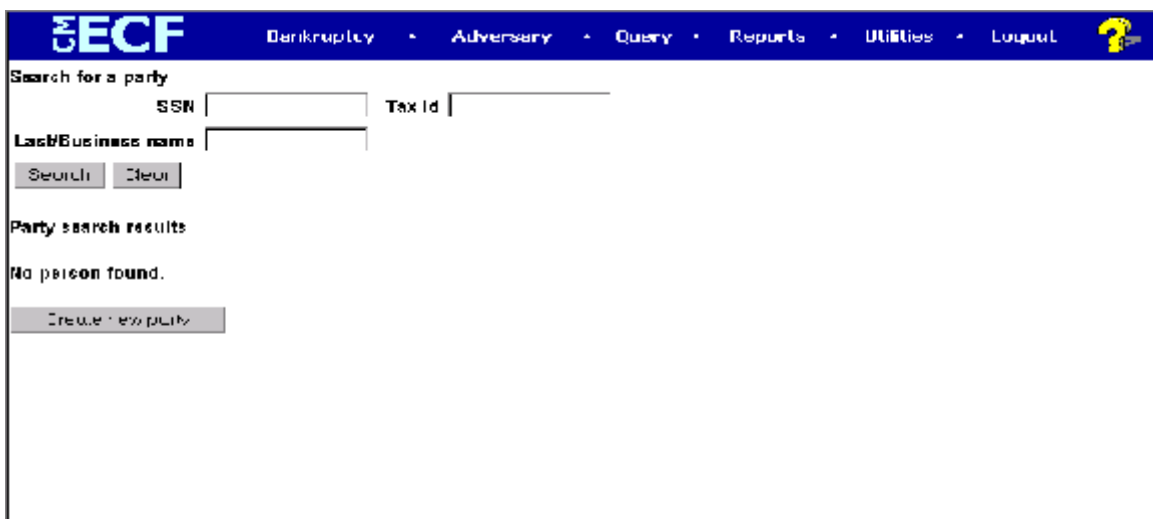


Figure 4

- If the system finds the correct party, highlight the party's name in the **Party Search Results** window, and click **Select Name from List** to add the party to the case, and then proceed to **Step 7**.

OR

- If the system does not find the party with the search criteria entered, it will display a message **No person found (See Figure 5)**

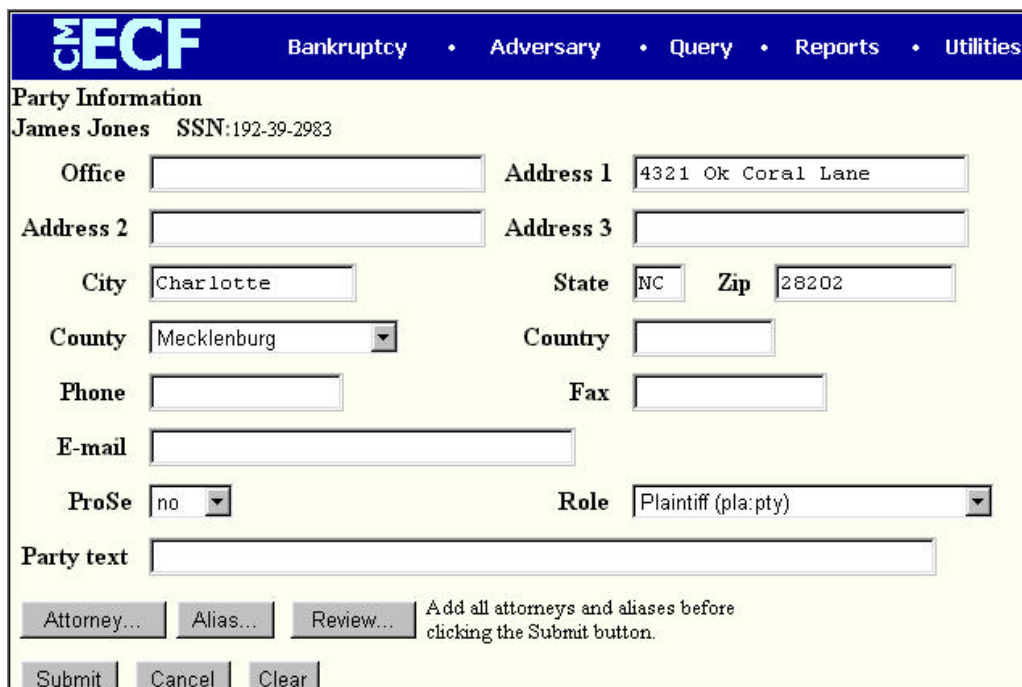


The screenshot shows the ECF system interface. At the top is a blue navigation bar with the ECF logo and links for Bankruptcy, Adversary, Query, Reports, Utilities, and Logout. Below the navigation bar is a search section titled 'Search for a party' with input fields for SSN and Tax Id, and a text field for Last/Business name. There are 'Search' and 'Clear' buttons. Below this is a section titled 'Party search results' which displays the message 'No person found.' and a 'Create new party' button.

Figure 5

- Click **Create New Party** to add the party to the case.

STEP 7 The **Party Information** screen displays (See Figure 6).



The screenshot shows the 'Party Information' screen in the ECF system. The header bar is blue with the ECF logo and links for Bankruptcy, Adversary, Query, Reports, and Utilities. The main content area has a yellow background. It displays the party's name 'James Jones' and SSN '192-39-2983'. Below this are various input fields: Office, Address 1 (4321 Ok Coral Lane), Address 2, Address 3, City (Charlotte), State (NC), Zip (28202), County (Mecklenburg), Country, Phone, Fax, E-mail, ProSe (no), and Role (Plaintiff (pla:pty)). There is a 'Party text' field at the bottom. At the bottom of the form are buttons for 'Attorney...', 'Alias...', 'Review...', 'Submit', 'Cancel', and 'Clear'. A note states: 'Add all attorneys and aliases before clicking the Submit button.'

Figure 6

Note: If you have selected a party from the party list, you will not be able to change the social security number/tax id number field; however, you will be able to modify other field information.

- Enter or verify the party name. It is important to include the complete mailing addresses of the plaintiff and defendant for noticing purposes.

Important: Specify applicable **[Role]** type, Plaintiff, Defendant, etc. The system will default to “*debtor*” and must be changed to reflect the correct party role for the party currently being added.

- The **Party Text** box can be used to add an additional descriptive nature to the party’s name. For example: If the plaintiff was General Foods Store, a division of General Motors Corporation, enter: *General Foods Store* in **Last name** field, and enter: *a division of General Motors Corporation* in **Party text** field.
- Click **[Attorney]** to add yourself as the plaintiff’s attorney.
- Enter your last name or bar id number.
- Click **[Search]** to continue.
 - The **Attorney search results** screen displays.
 - Click to highlight the attorney name.
 - Click **[Select name from list]** to continue.

Note: if you are representing multiple parties, you will need to add yourself as the attorney for each plaintiff-party you are representing.

- The **Attorney Information** screen displays. [Figure 7]

ECF Bankruptcy • Adversary • Query • Reports • Utilities

Attorney Information (Party Sparrow, Jack)

Christine Baker Bar Id:Unknown Bar Status:Unknown

Office Address 1

Address 2 Address 3

City State

Zip Country

Phone Fax

E-mail Lead attorney

Click the Add attorney or Cancel attorney button to return to the Party screen and add other attorneys, add aliases, or submit all information for this party.

Figure 7

- If information is correct, click **[Add attorney]**.
- The **Party Information** screen displays again (See Figure 6).
- If the party has aliases, click **[Alias]** to enter the alias information. The **Alias** screen displays. (See Figure 8)

ECF Bankruptcy • Adversary • Query • Reports • Utilities • Log

Alias Information

	Last/Business name	First name	Middle name	Generation	Role
1	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="eka"/>
2	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="eka"/>
3	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="eka"/>
4	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="eka"/>
5	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="eka"/>

Click the Add aliases button to return to the Party screen, and submit all information for this party

Figure 8

- Enter up to five aliases for this party.

- Click the down arrow — to reveal the list of options in the **Role** category. They are: aka (also known as), dba (doing business as), fdba (formerly doing business as) and fka (formerly known as).
- Click to select the appropriate **Role** type for each alias entered.
- Click **[Add aliases]** to submit.
 - If you make a mistake during the addition of aliases, click **[Clear]** to begin again.
 - If you have more than five aliases to add for this party, click **[Add aliases]** to add the first five. Then click **[Alias]** again to submit additional aliases. This may be done as often as necessary until all aliases are added to the system.
- Review information by clicking the **[Review]** button to verify the information for the party being added.
- When all information is correct, click **[Submit]** to add the party to the case and database.
- The **Party Information** screen displays again.

REPEAT Steps 5, 6 and 7 until all Plaintiff(s), Defendant(s) or other interested parties have been added to the system. Note: When adding a defendant, DO NOT associate an attorney for the defendant. An attorney for a defendant will be added to the case upon the filing of a responsive pleading.

- Once all parties have been added to the system, click **[End Party Selection]**.

STEP 8 The **Fee Information** screen displays (See Figure 9)

ECF Bankruptcy - Adversary - Query - Reports - Utilities - Logout ?

Open Adversary Case

NOTICE TO ELECTRONIC FILERS: Effective March 23, 2005 an automatic electronic summons will be issued upon completion of case opening. It is no longer necessary to attach a summons or cover sheet.

IMPORTANT! Is the complaint filed by the trustee?

No

FEE NOT REQUIRED: Is the complaint filed by the Debtor, United States Government, United States Trustee or is the Debtor-in-Possession exempt from paying the filing fee (as applicable)?

Select Yes or No from the list below.

Yes

Figure 9

- If the plaintiff is the Trustee, Debtor, United States Government, United States Trustee or a Debtor-in-Possession exempt from paying the filing fee, click the down arrow — and select “Yes”. If not, select “No”.
- Click **[Next]** to continue.

STEP 9 The **Adversary Statistical Data** screen displays. (See Figure 10)

ECF Bankruptcy - Adversary - Query - Reports - Utilities - Logout ?

Open Adversary Case

Add judge

Party code: U.S. Trustee Party

Nature of suit: 21(a) Civil Rights & Discharge pursuant to 11 U.S.C. Section 727

Origin: Original Proceeding

Transfer date:

Rule 23 (class action): r

Jury demand: None

Demand (\$000):

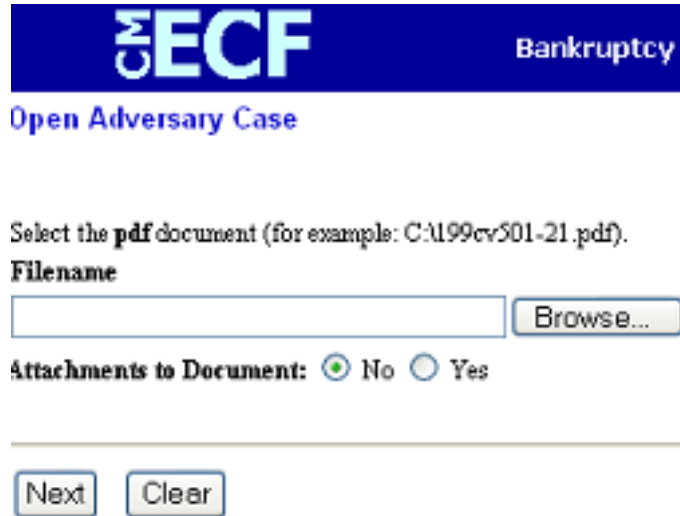
Figure 10

- Click the down arrow — to reveal the list of Judge options. Select the Judge that is associated with the Main Case to which the Adversary refers.
- Click the down arrow — to reveal the list of **Party Code** options. If the U.S. is a plaintiff or a defendant in this adversary proceeding, click to highlight the correct party code to so indicate. If the U.S. is not a plaintiff or defendant in your case, accept the default **US not a Party**.
- Click the down arrow — to reveal the list of **Nature of Suit** options. Click to highlight the nature of suit that applies to the instant case. Only one **Nature of Suit** option can be selected. However, there will be a free-text box window in the **Final Docket Text** screen in which to type any additional **Nature of Suit(s)** the pertain to this filing.

Important Note: If there is more than one **Nature of Suit** and one is objection to discharge (727), choose *424 (Object or Revoke a Discharge pursuant to 11 U.S.C. Section 727)* here.

- The **Origin** field defaults to “**Original Proceeding**”. No action is necessary.
- **Transfer Date** is for Court use only.
- Click the down arrow — to reveal the list of **Rule 23 (Class Action)** options. The default is *n* for no. If the adversary being filed is a Rule 23 (Class Action) proceeding, change the default to *y*.
- Click the down arrow — to reveal the list of **Jury Demand** options. Those options are *Both, Defendant None, Plaintiff*. The system defaults to none. If you are requesting a jury trial in your attached complaint, so indicate in this field.
- **Demand:** If there is a dollar demand in the complaint, enter the **(\$000)** amount to the nearest thousand (i.e. for a demand of 5,000 enter 5, leave off the 000). Note: DO NOT use dollar signs or commas.
- Click **[Next]** to continue.

STEP 10 The **PDF Document Selection** screen displays. (See Figure 11)



ECF Bankruptcy

Open Adversary Case

Select the pdf document (for example: C:\199cv501-21.pdf).

Filename

Browse...

Attachments to Document: ☒ No ☐ Yes

Next Clear

Figure 11

- Click **[Browse]**, then navigate to the directory where the appropriate PDF file is located. Verify you have selected the correct document by right clicking on the highlighted filename and select **Open** to view the image in Adobe Acrobat. Once verified, close the PDF image and select **Open** from the “Choose File” pop-up screen to associate the PDF file with the docket entry.
- The **Attachments to Document** option defaults to **No**. Click the **Yes** radio button to indicate there are attachments if exhibits are referenced in the complaint but are not a part of the PDF image. (Refer to module: *Attachments to Documents* in Chapter 10 for more information).
- Click **[Next]** to continue.

STEP 11 The **Filing Fee** screen will appear if “No” was selected on the **Fee Information Screen**. This is a fixed amount that cannot be changed.

- Click **[Next]** to continue.

The screenshot shows the 'Open Adversary Case' form in the CM/ECF system. The header includes the ECF logo and navigation links: Bankruptcy, Adversary, Query, Reports, and Utilities. A note states: 'NOTE: Only text in the white boxes can be modified'. The 'Docket Text: Modify as Appropriate.' section contains a dropdown menu with a downward arrow, followed by the text 'Complaint by Jack Sparrow against Pirates R Us . Filing Fee Not Paid or Not Required.' and a text box. Below this, the 'Nature of Suit' is set to '435 (Determine the Validity, Priority or Extent of Lien). (Baker, Christine)'. At the bottom are 'Next' and 'Clear' buttons.

Figure 12 - Filing Fee Not Paid or Not Required

This screenshot shows the same 'Open Adversary Case' form, but with different content. The dropdown menu is selected, showing 'Complaint by Jack Sparrow against Pirates R Us . (Verify Fee)'. The 'Nature of Suit' is now '424 (Object or Revoke a Discharge pursuant to 11 U.S.C. Section 727). (Baker, Christine)'. The 'Next' and 'Clear' buttons remain at the bottom.

Figure 13 - Filing Fee Required

STEP 12 The **Final Docket Text** screen displays (Figure 12 and Figure 13)

- A prefix box and supplemental text box window are available to add more detail to the docket text.
- Click the down arrow — to display the prefix options. **Note:** You may also type the first letter of the prefix to immediately move to the list of prefixes that begin with a particular letter (i.e.: Verified type “v”). Prefix Options to choose from are:

[none]
Addendum to
Agreed
Alias
Amended
Amendment to
Appraisal and
Certified

Consent
Corrective
Cross
Emergency
Ex Parte
Expedited
Fifth
Final
First
First Amended
Fourth
Fourth Amended
Initial
Interim
Intervenor's
Joint
Limited
Modified
Omnibus
Opposition
Pluries
Pre-Trial
Proposed
Renewed
Sealed
Second
Second Amended
Sixth
Status
Stipulated
Supplemental
Supporting
Third
Third Amended
Third Party
Trial
Unilateral
Unopposed

Verified

- A supplemental text box window is provided to add more detail or additional “**Nature of Suit(s)**” to the docket entry.
- Click [**Next**] to continue.

STEP 13 The **Final Approval** screen displays.

- Verify the Final Docket Text. Read the Attention!! message.
- If the Final Docket Text is correct,
 - Click [**Next**] to continue and officially submit document. **Please note:** Processing of the final docket text is slower than normal transactions. Wait for the transaction to complete before continuing.
- If the Final Docket Text is incorrect:
 - Click the browser [**Back**] button to find the error(s) and proceed with the event.
 - To abort or restart the transaction, return to **Step 1** and begin again.
- If no filing fee is required, proceed to **Step 17**.

- STEP 14** The **Electronic Payment** screen displays. (**Figure 14**). **Please note:** The final docket entry for adversary opening processes slower than normal transactions. Wait for it to complete before paying filing fees.

Electronic Payment - Microsoft Internet Explorer

***** **IMPORTANT NOTICE** *****

Do NOT use the browser 'Back' button during the payment process.

Summary of current charges:

Date Incurred	Description	Amount
2005-01-26 09:31:37	Complaint(6:05-ap-00045-AB) [cmp,cmp] (150.00)	\$ 150.00
		Total: \$ 150.00

Pay Now Continue Filing

Figure 14

- A summary of current charges appears showing the *date incurred*, *description* and *amount*.
- The user has the option to **[Pay Now]** or **[Continue Filing]**. Although the court recommends that you pay as you go, you may pay at the end of each CM/ECF session.

Note: If you receive **ANY** messages/warnings during the payment process, **IMMEDIATELY** contact the help desk in the appropriate division. **DO NOT** make further attempts to pay fees without instruction from the Clerk's office. Also, **DO NOT** use the **BACK** button during the payment process. Failure to take these precautions may cause you to be charged twice for the same fee.

- Select **[Continue Filing]** if you are filing multiple adversary cases and want to submit one payment at the end of each CM/ECF session. (You can also combine other fee-based filings before submitting payment). Proceed to **Step 17**.
- If you select **[Pay Now]** proceed to **Step 15**.

STEP 15 The **Payment Information** screen will display. (See Figure 15).

Enter Payment Information

Cardholder Name: Connie Delamater

Billing Address: 20 H. Florida Avenue

Billing Address 2:

City:

State/Province:

ZIP/Postal Code: 33602

Country: United States

Card Type: Visa

Card Number:

Expiration Date:

Payment Amount: \$150.00

Plastic Card Payment Steps

1. Select Payment Type
2. Enter Payment Information
3. Authorize Payment/ Payment Summary
4. Payment Confirmation

A card authorization must be received before midnight Eastern Time if payment is to occur as early as the next day. If the U.S. Treasury Department's next business day is closed on a scheduled payment date (including weekends and some holidays), the payment will occur the next day the depository is open.

Continue **Quit**

Figure 15

- The fields marked with a red asterisk are mandatory fields. Your name, street address and zip code are automatically filled in based on the information in your ECF account. It is not necessary to add your city and state unless you prefer this information to appear in your confirmation receipt.
- Click the card type. The court accepts the following credit cards:
 - Visa
 - Master Card
 - Discover
 - American Express
 - Diner's Club
- Enter the credit card number.

- The security code is not required but can be used to provide internal control of your credit card. The transaction will fail if the security code from the back of the card is not entered correctly.
- Select the card's expiration month from the drop down list and enter the expiration year.
- Verify the amount being paid and click **[Continue]**.

STEP 16 The **Payment Summary and Authorization** screen displays. (See Figure 16).

Payment Summary and Authorization

Cardholder Name: Connie Delamater
Billing Address: 801 N. Florida Avenue
Billing Address 2: City
State/Province:
ZIP/Postal Code: 33602
Country: USA
Card Type: Visa
Card Number: XXXXXXXXXX 9999 1111
Expiration Date: 1 / 2006
Payment Amount: \$250.00
Current Date and Time: 03/22/2006 14:18:58

Authorization

☒ I authorize a charge to my card account for the above amount in accordance with my card issuer's agreement.

Confirmation Request
To have a confirmation email sent to you upon completion of this transaction, provide an email address and confirmation below.

Email Address:
Re-enter Email Address to Confirm:

Make Payment **Exit** **Cancel**

Press the "Make Payment" button only once. Pressing this button more than once could result in multiple transactions.

Plastic Card Payment Steps

1. Select Payment Type
2. Enter Payment Information
3. Authorize Payment / Payment Summary
4. Payment Confirmation

Figure 16

- Verify information and if acceptable, click the Authorization box.
- If you would like to receive a confirmation e-mail, key in your e-mail address in both fields.

Note: In testing we have found that certain keystrokes, such as hitting the enter key twice, will cause you to receive duplicate confirmation e-mails even though you have only made one payment. Best practice is to click the **[Continue]** and **[Make Payment]** buttons with your mouse.

- Click **[Make Payment]**.

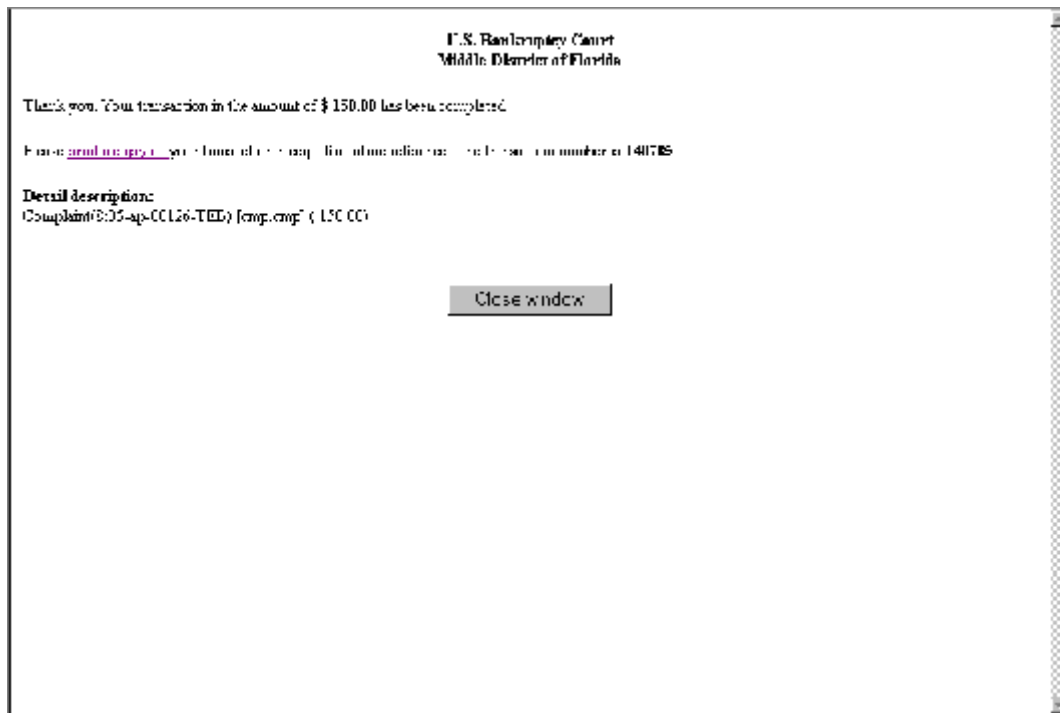


Figure 17

STEP 17 The **Transaction Receipt** screen displays. (See Figure 17).

- You can print this screen by clicking on the **print a copy of** hypertext link to save the transaction for future reference. If you provided your e-mail address, the confirmation e-mail you receive will contain the same information.
- Click **[Close Window]** to continue.

Notice of Electronic Filing and

Once the final docket entry is submitted, the **Notice of Electronic Filing** screen displays. The Notice of Electronic Filing screen provides three separate links to information, (**See Figure 18**).



Figure 18

Adversary Link (Figure 18)

The Notice of Electronic Filing certifies that the filing has been received electronically by the court.

- The case number assigned to the adversary is displayed
- The document number assigned to the complaint is displayed.
- Clicking on the adversary case number hypertext link will present the *Docket Report* for this case. A PACER account is necessary to view this link.

- Clicking on the document number hypertext link will present the *PDF Image* of the document just filed.
- Scroll down to see participants who have and have not received electronic noticing on this case.
- To print a copy of this notice click the browser **[Print]** icon.
- To save a copy of this notice, click **[File]** on the browser menu bar and select **Save Frame As**.
- You may also save the notice through the browser **File/Save** option.

Automatic Summons Link

At the same time the complaint is docketed, the CM/ECF program will automatically create and issue a summons. It is the responsibility of the electronic filer to print the automatically issued summons and serve it according to the Federal Rules of Bankruptcy Procedure (**See Figure 19**).



Figure 19

- A link to **Summons Issued** appears on the Notice of Electronic Filing below the entry for the Complaint.

- Click on the Summons Issued hyperlink. The issued summons is displayed in html format.
- Review the caption of the summons. Verify the Bankruptcy case information is correct. Verify that all parties to the summons are correct. **Please note:** The automatic summons displays a maximum of 2 plaintiffs and 2 defendants. If there are additional parties to the adversary, they will be displayed on a separate page after the summons.
- If parties were not input correctly during case opening or if an incorrect related Bankruptcy case was entered, do not use the automatic summons. Immediately contact the help desk and ask them to make the necessary corrections to the case information. An Alias Summons will be required. It will be the responsibility of the electronic filer to submit an Alias Summons to the Court for issuance. To have an Alias or Pluries Summons issued in Tampa, Fort Myers and Orlando Division cases, e-mail the pdf image to the Help Desk in which the case is filed. To have an Alias or Pluries Summons issued in a Jacksonville case, docket the Alias or Pluries Summons using the Proposed Order event under the Miscellaneous category.
- If the summons is correct, **Print** or **Save** to a file.
- Check your browser font setting. Unusual fonts may cause the text on the summons to wrap. The Court recommends using Times New Roman as your web page font and Courier New for your plain text font. You can check your font settings by clicking on Tools in your browser tool bar and then clicking the Fonts tab.
- Check your browser page setup. There should be nothing in the Header and Footer settings.
- At the bottom of the summons is a link to a blank Certificate of Service page. This can be printed and used to file proof of service of the summons with the Court.
- If the case has more than two plaintiffs and two defendants, the additional caption will print on a second page. This page should be included in service of the summons and complaint.
- Serve the summons and complaint in compliance with the Federal Rules of Bankruptcy Procedure. **Please note:** In cases before Judge Proctor,

Judge Jennemann, Judge Williamson and Judge May, the Court will prepare a Notice of Pretrial Conference. The notice must be served along with the summons and complaint. After service is complete, file the Certificate of Service.

Related Bankruptcy Case Link



Figure 20

The third link on the Notice of Electronic Filing is to the docket of the related Bankruptcy case (See Figure 20).

- To view the docket of the related Bankruptcy case, click on the case number hyperlink.
- A reference docket entry is made to the Bankruptcy case.

Notice of Pretrial Conference

**Judge Proctor, Judge Jennemann, Judge Williamson
& Judge May**

Judge Proctor, Judge Jennemann, Judge Williamson and Judge May each schedule a pretrial conference at the time the summons is issued. The clerk's office will prepare a notice of pretrial conference and mail it to the attorney for plaintiff. It is the responsibility of the attorney to serve the notice on the parties to the complaint.

STEP 1 Upon receipt of the notice of electronic filing of the **Notice of Pretrial Conference**, click the hyperlink to the document (**See Figure 21**)

Middle District of Florida

Notice of Electronic Filing

The following transaction was received from Doletmeter Connie entered on 3/3/2005 at 11:02 AM EST and filed on 3/3/2005

Case Name: United States of America v. Moss
Case Number: [8:05 ap 00026 TEE](#)
Document Number: [1](#)

Docket Text:
Notice of Pretrial Conference. Mailed to the Plaintiff for Service on Parties. (related document(s):[2])
Pre-Trial Conference set for 4/1/2005 at 10:00 AM at Tampa, FL - Courtroom 10B Sam M. Gibbons

Figure 21

STEP 2 **Print** the Notice and **serve** with a copy of the summons and complaint upon the parties to the complaint.

STEP 3 Promptly file a **Certificate of Service** with the Court.